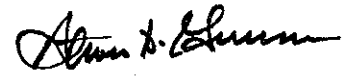


EXHIBIT A

1 **COMP**
 2 BRADLEY PAUL ELLEY, ESQ.
 3 Nevada Bar No. 658
 4 120 Country Club Drive, Suite 5
 5 Incline Village, NV 89451
 Telephone: (775) 831-8800
 Attorney for Plaintiffs


 CLERK OF THE COURT

6 **DISTRICT COURT**
 7
 8 **CLARK COUNTY, NEVADA**

9 KEVIN FEAGINS, YOLANDA FEAGINS,)
 10 KEVIN FEAGINS JR, a Minor, JOSHUA) Case No.: A - 1 1 - 6 4 0 9 2 4 - C
 11 FEAGINS, a Minor, ANDRE FEAGINS, a) Dept. No. X X I I
 Minor, and JONATHAN FEAGINS, a Minor,)
 12 by and through their parents, KEVIN)
 FEAGINS and YOLANDA FEAGINS) **COMPLAINT**

13 Plaintiffs,)
 14)

15 vs.)
 16)

17 THE TRUMP ORGANIZATION, a foreign)
 18 corporation, TRUMP RUFFIN)
 19 COMMERCIAL LLC, a foreign limited)
 liability company, TRUMP)
 20 INTERNATIONAL HOTEL & TOWER-LAS)
 21 VEGAS UNIT OWNERS ASSOCIATION, a)
 Nevada non-profit corporation, OTIS)
 22 ELEVATOR COMPANY a foreign)
 corporation, and DOES I through XXX,)
 23 inclusive,)

24 Defendants.)
 25)
 26)

27 Come now Plaintiffs by and through their attorney of record, Bradley Paul Elley, Esq., and
 28 complain, aver, and allege against Defendants as follows:

FIRST CLAIM FOR RELIEF

(Negligence)

I.

At all times mentioned herein, Plaintiffs KEVIN FEAGINS and YOLANDA FEAGINS were and are husband and wife and were and are residents of the State of Texas. Plaintiffs KEVIN FEAGINS and YOLANDA FEAGINS are the natural father and mother of KEVIN FEAGINS JR, a Minor, JOSHUA FEAGINS, a Minor, ANDRE FEAGINS, a Minor, and JONATHAN FEAGINS, a Minor, and bring this lawsuit individually and on behalf of their aforesaid minor children, in accordance with NRS 12.080.

II.

Upon information and belief, at all times mentioned herein, Defendant TRUMP RUFFIN COMMERCIAL LLC was and is a foreign limited liability company qualified to do business in the State of Nevada, which developed the hotel and condo hotel establishment located at 2000 Fashion Show Drive, Las Vegas, Clark County, Nevada, commonly known as The Trump Hotel International Las Vegas.

III.

Upon information and belief, at all times mentioned herein Defendant THE TRUMP ORGANIZATION is a foreign corporation which owns, manages, and/or operates The Trump International Hotel Las Vegas as part of its Trump Hotel Collection division, but without being duly qualified to do so by the State of Nevada.

IV.

Upon information and belief, at all times mentioned herein, Defendant TRUMP INTERNATIONAL HOTEL & TOWER-LAS VEGAS UNIT OWNERS ASSOCIATION was and is a non-profit corporation organized under the laws of the State of Nevada and owns and operates the

1 common areas for the individual condo hotel owners located within The Trump International Hotel
2 Las Vegas.

3
4 V.

5 Upon information and belief, the defendants named herein as Defendant DOES I and II were
6 the owners of the condo hotel room located within The Trump International Hotel Las Vegas where
7 Plaintiffs were staying to celebrate the anniversary of the wedding of Plaintiffs KEVIN FEAGINS,
8 and YOLANDA FEAGINS at the time of the incident complained of herein.

9
10 VI.

11 The true names and capacities of the defendants named herein as DOES I-XV are unknown to
12 Plaintiff. Upon information and belief, each of said Doe defendants is in some manner legally
13 responsible for the acts complained of herein. Plaintiff will pray for leave to amend the complaint to
14 substitute the true for fictitious names upon ascertainment of same. Upon information and belief,
15 each defendant at all times mentioned herein was and agent, and or employee, acting within the
16 course and scope of such agency and or employment.

17
18 VII.

19 Upon information and belief, the Defendants TRUMP RUFFIN COMMERCIAL LLC, THE
20 TRUMP ORGANIZATION, TRUMP INTERNATIONAL HOTEL & TOWER-LAS VEGAS UNIT
21 OWNERS ASSOCIATION, and DOES I-X at all times mentioned herein were the owners,
22 occupiers, and in possession of The Trump Hotel International Las Vegas.

23
24 VIII.

25 That the aforesaid defendants were responsible for maintaining, managing, controlling, and
26 inspecting the premises of The Trump Hotel International Las Vegas in a safe and secure manner and
27
28

1 ensuring that said commercial premises were free from dangerous and/or defective conditions for
2 which patrons may be exposed to and suffer harm.

3 IX.
4

5 That Defendants above-named owed Plaintiffs a duty of care in accordance with the standards
6 for business invitees, Plaintiffs KEVIN FEAGINS and YOLANDA FEAGINS having been paying
7 customers of The Trump Hotel International Las Vegas in the company of their plaintiff-children at
8 the time of the incident complained of herein.

9 X.
10

11 That on or about May 13, 2009, at the time of the incident complained of herein Plaintiffs
12 were utilizing an elevator located inside The Trump International Hotel Las Vegas hotel and condo
13 hotel premises attempting to descend from their room located on the 55th floor in a normal, safe
14 manner to the lobby level.

15 XI.
16

17 That the subject elevator utilized by Plaintiffs at the time of the incident complained of herein
18 was a common carrier conveyance.

19 XII.
20

21 That while Plaintiffs were using such elevator in its intended and foreseeable manner, without
22 warning the elevator began free falling to near terminal velocity for about 20 stories until it abruptly
23 stopped above the 12th floor.

24 XIII.
25

26 That this incident occurred because Defendants above-named so wantonly, recklessly,
27 negligently, and carelessly maintained, inspected, controlled and managed the subject elevator in
28

1 violation of their duty to business invitees, and also creating conditions giving rise to an unreasonable
2 risk of harm to people on the aforesaid premises.

3
4 XIV.

5 That as a direct and proximate result of the elevator free falling and abruptly stopping while
6 Plaintiffs were within such elevator, Plaintiffs suffered terrible and violent, physical and mental
7 injuries to their persons, all to their general damages in an amount according to proof at trial in excess
8 of \$10,000.00.

9
10 XV.

11 That as a further direct and proximate result of said incident, Plaintiffs have sustained medical
12 expenses in an amount according to proof at trial. Upon information and belief, Plaintiffs will
13 continue to sustain medical and or psychotherapy expenses in the care and treatment of their injuries,
14 all to Plaintiffs' special damages in an amount according to proof at trial.

15
16 XVI.

17 That as a further direct and proximate result of said incident, Plaintiffs upon information and
18 belief, will continue to incur loss of income, wages, profits and commissions, a diminishment in
19 earning potential, and or other pecuniary losses, in an amount according to proof at trial.

20
21 XVII.

22 That the negligent, careless, wanton, and/or reckless maintenance, care, control, inspection,
23 and management of the premises by said Defendants was a direct and proximate cause of Plaintiffs'
24 injuries.

25 Wherefore, Plaintiff prays for judgment against Defendants above-named as set forth herein
26 below.
27
28

1 **SECOND CLAIM FOR RELIEF**

2 **(Premises Liability)**

3 **XVIII.**

4 Plaintiffs incorporate by reference each and every allegation of the First Claim for Relief
5 hereof as if set forth fully herein.

6 Wherefore, Plaintiffs pray for judgment against Defendants above-named as set forth herein
7 below.
8

9 **THIRD CLAIM FOR RELIEF**

10 **(Strict Products Liability)**

11 **XIX.**

12 Plaintiffs incorporate by reference each and every allegation of the First and Second Claims
13 for Relief as if set forth fully herein.

14 **XX.**

15 That upon information and belief, Defendant OTIS ELEVATOR COMPANY is a foreign
16 corporation qualified to do business within the State of Nevada.

17 **XXI.**

18 That upon information and belief, at all times mentioned herein Defendant OTIS ELEVATOR
19 COMPANY and DOES XV-XXX were designers, manufacturers, distributors, marketers, and
20 retailers in the stream of commerce of the subject elevator and its components that was free falling
21 and abruptly stopped while Plaintiffs were using it as aforesaid.

22 **XXII.**

1 That upon information and belief, the subject elevator was defective at all times while in the
2 possession of Defendant OTIS ELEVATOR COMPANY and DOES XV-XXX.

3 Wherefore, Plaintiffs prays for judgment against Defendants OTIS ELEVATOR COMPANY
4 and DOES XV-XXX as set forth herein below.
5

6
7 **FOURTH CLAIM FOR RELIEF**

8 **(Punitive Damages)**

9 **XXIII.**

10 Plaintiffs incorporate by reference the First, Second, and Third Claims for Relief as if set forth
11 fully herein.
12

13 **XXIV.**

14 That upon information and belief, at the time of the free falling and abrupt stop of the elevator
15 as alleged herein, Defendants engaged in despicable conduct with a conscious disregard of the rights
16 and safety of others and Defendants knew of the probable harmful consequences caused by their
17 wrongful acts in exposing the unsuspecting users of the subject elevator, including Plaintiffs, to its
18 dangerous and defective conditions at The Trump International Hotel Las Vegas and willfully and
19 deliberately failed to act to prevent or to provide a warning to the users of such elevator, including
20 Plaintiffs, to avoid utilizing the subject elevator.
21


22 **XXV.**

23 That Plaintiffs are entitled to an award of punitive damages in accordance with Nevada
24 Revised Statute 42.005.
25

26
27 Wherefore, Plaintiffs pray for judgment against Defendants as follows:
28

1. For compensatory damages in excess of \$10,000.00 (First, Second, and Third Claims for Relief only);
2. For exemplary and punitive damages (Fourth Claim for Relief only);
3. For costs of suit incurred herein;
4. For a reasonable attorney's fee;
5. For such other and further relief as the court deems proper in the premises.

Dated: May 9, 2011


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